

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CHAD MEADOW, et al.)
)
v.) NO. 3-15-1124
) JUDGE CAMPBELL
NIBCO, INC.)

ORDER

Pending before the Court is Defendant's Partial Motion to Dismiss the Class Action Complaint (Docket No. 31). For the reasons stated in the accompanying Memorandum, Defendant's Motion is GRANTED in part and DENIED in part.

Plaintiff Meadow's tort and warranty claims are DISMISSED without prejudice to being asserted as theories under his TPLA claim.

Plaintiff McLaughlin's strict liability claim is DISMISSED without prejudice to being asserted as a theory under his AEMLD claim.

The breach of express warranty claims of all Plaintiffs are DISMISSED.

Plaintiff McLaughlin's claim for breach of implied warranty is DISMISSED.

All claims for products liability as to PEX fittings are DISMISSED, except for Plaintiffs Plisko's one claim in paragraph 37 of the Complaint. All claims for products liability as to PEX clamps are DISMISSED.

All claims for pre-sales failures to warn are DISMISSED.

Plaintiffs Plisko's claim for post-sales failures to warn are DISMISSED.

To the extent Plaintiff McLaughlin has asserted a claim for negligent marketing, that claim is DISMISSED.

Any claims to recover the costs of an allegedly defective product itself or the costs of repair or replacement of such a product are DISMISSED.

The unjust enrichment claims of Plaintiffs McLaughlin and Plisko are DISMISSED.

Plaintiffs Plisko's SCUTPA claim is DISMISSED.

Any separate cause of action for declaratory and/or injunctive relief is DISMISSED.

The Plaintiffs shall file an Amended Complaint by June 15, 2016, alleging only those claims which remain in this action.

IT IS SO ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE